

Cpl. Bailey M.G.



BAILEY, MAXWELL G. - CPL. Regimental No. 4968

April 23, 1913-Tofield, Alberta Age: 28

The killing of Cpl. Maxwell Bailey is truly a saga of the Old West. Tragic as it was, it is complete with galloping horses, rigs and gunfights, swearing in a posse, "smoking him out" and "bringing him in, dead or alive!"

The saga begins on Wednesday, April 23, when four RNWMP from Edmonton and Tofield, Alberta approached the shack of Oscar and Swan Fonberg at a place called Grassy Lake, 40 miles west of Edmonton. The party was led by Cpl. Bailey and consisted of Csts. S. C. Whitley, R. W. Tetley and L. Stead. They intended to arrest Oscar Fonberg on a warrant of insanity because the 36 year old Fonberg had taken a shot at one of his neighbours. It seems that Oscar and his brother had found silver on their homestead and were under the deluded impression that they had a silver mine on their property and needed to keep people off their land.

When the police arrived, it was early evening. Oscar hid in a dug-out in a hillside near his house and warned them to "Go away or I'll shoot!" The police refused to leave and Oscar opened fire. His first shot hit Cpl. Bailey in the head and killed him. In the ensuing gunfight, Cst. Whitley was badly wounded in the groin. Cst. Stead, who was unaware that Cpl. Bailey was dead, was shot in the arm as he tried to drag the corporal's body to safety. Fonberg raced from one building to another, firing on the police and finally settled into the defensive security of his log house. The police tried to smoke him out by throwing burning hay down his chimney and through one of his broken windows. As Fonberg's home burned to the ground, he managed to sneak away and disappear into the bush.

Cpl. Bailey's body was taken away by horse and wagon to the Village of Tofield. From here Cst. Tetley called the Edmonton Detachment for reinforcements. The next morning, a posse arrived consisting of eight Mounties and ten Special Constables who had been sworn in to scour the countryside and bring in Fonberg "dead or alive." That day the posse used a farm near Fonberg's place to eat and organize and care for their horses. At night, suspecting that Fonberg might return to his place for food or clothing, the posse took up positions in the various buildings on his homestead. They stood two hour shifts, but the weather was so cold that none of them got much sleep. Then, as they suspected, Fonberg showed up at 3:30 in the morning. Several shots were exchanged before he scurried away again to the safety of the surrounding bush. This time they knew that Fonberg had been hit because they saw him limping as he ran away, leaving a trail of blood behind him. At daylight, the posse began to beat the bush. Most of the morning they thrashed their way through the thicket but, determined as they were, it wasn't the posse that finally captured him.

RNWMP Cst A.C. McPhail was riding out from the village of Chipman to join the posse when he came across a Russian farmer driving his rig towards town. Sitting beside him was a barefoot and bedraggled man that the farmer identified as the fugitive, Oscar Fonberg.

Fonberg was badly in need of medical attention and was quite willing to give himself up. He was taken into Chipman and then shipped to Fort Saskatchewan in the baggage car of a train.

Cpl. Bailey, who was unmarried and had come from England five years previously, had no relatives in Canada. At his funeral in Edmonton, his body was carried to All Saints Church on a gun carriage, behind a cortege that included police from many jurisdictions, the band of the 101st Fusiliers and a firing party of RNWMP. Following his casket was Bailey's horse, led by two Mounted Policemen. Then came the 101st Regiment, the 19th Alberta Dragoons and a huge contingent from the Veterans Association. Cpl. Bailey was buried in Edmonton's 16th Street Cemetery - a long and lonely distance from his grieving parents in Piccadilly.

Months later, Oscar Fonberg was tried for manslaughter and sentenced to life in prison.